

<b>Response to Rule 312 Communication</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/904,427	TISS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Amy B. Vanatta	3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1.  The amendment filed on 31 January 2005 under 37 CFR 1.312 has been considered, and has been:

- a)  entered.
- b)  entered as directed to matters of form not affecting the scope of the invention.
- c)  disapproved because the amendment was filed after the payment of the issue fee.  
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d)  disapproved. See explanation below.
- e)  entered in part. See explanation below.

*New claim 62 as presented in the rule 312 Amdt has been entered. This claim functions to reinstate claim 7, which was canceled by Examiner's Amendment with the Notice of Allowability. The claim was canceled by Exr's Amdt as drawn to an invention which was nonelected without traverse and not depending from an allowable generic claim. Applicant had intended to present the claim as dependent upon allowable generic claim 4. The newly presented claim does present former claim 7 as dependent upon allowable claim 4, and is now allowed as indicated in the attached Supplemental Notice of Allowability.*



Amy B. Vanatta  
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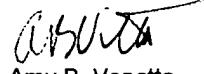
<b>Response to Rule 312 Communication</b>	Application No.	Applicant(s)
	09/904,427	TISS ET AL.
	Examiner Amy B. Vanatta	Art Unit 3765

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1.  The amendment filed on 03 January 2005 under 37 CFR 1.312 has been considered, and has been:

- a)  entered.
- b)  entered as directed to matters of form not affecting the scope of the invention.
- c)  disapproved because the amendment was filed after the payment of the issue fee.  
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- d)  disapproved. See explanation below.
- e)  entered in part. See explanation below.

*The amendment has not been entered because a canceled claim cannot be re-entered or uncancel. Applicant was advised by telephone on 1/26/05 that in order to reinstate canceled claim 7, the text of the claim should be presented as new claim 62.*



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